

REMARKS

Applicants and Applicants' attorney express appreciation to the Examiner for the courtesies extended during the recent interview held on July 20, 2006. Reconsideration and allowance for the above-identified application are now respectfully requested in view of the foregoing amendments and the following remarks. Claims 1-26 are pending in the application, wherein claim 1 has been amended and new claim 25 was added.

The Office Action rejects claims 1-25 on the grounds that they lack enabling disclosure in the specification. In response, Applicants refer to the examples as well as the empirical formulas shown in Figures 1 and 5, which disclose a large number of different fluoride releasing glass compositions, though the amounts of the various components are expressed on an empirical basis. In addition, claim 1 was amended in order to more specifically recite more details regarding the components and method used to make the fluoride-releasing glass composition used to reduce tooth sensitivity, as suggested by the Examiner during the examiner interview. Support for forming glass compositions from a phosphorus oxide (exemplified by P_2O_5) is found at paragraph [0018] ("The phosphorus may be included in the composition as an oxide, such as P_2O_5 "). Support for using an oxide and/or fluoride of one or more of sodium, potassium, lithium or aluminum is found in the application at paragraphs [0011], [0012] and [0018]. Support for "combining" the components is found at paragraph [0038] (describing that "batch components . . . were thoroughly mixed"). Support for melting the components is found at paragraph [014] (describing a "melting temperature") and [0038] (describing a "melt", "melting furnace" and "melting").

As discussed during the Examiner Interview, claim 1 as amended is patentable over Chemical Abstract 92:153090.

Claim 1 is also patentable over Litkowski et al., which discloses a "silica based" glass composition that contains at least 40% silica. Abstract, line 1; col. 3, lines 5, 52; col. 5, line 40; col. 7, line 46; claims 1-22. In contrast, claim 1 specifies that the fluoride releasing glass composition comprises silicon, if at all, in an amount up to about 5% by weight (*see* original claim 2). Thus, the amount of silicon in the glass composition of claim 1 is substantially lower than in the "silica based" glass of Litkowski et al., in which silica is the most predominant component.

Claim 26 alternatively defines a fluoride releasing glass composition that includes at least about 16% phosphorus. While Litkowski et al. discloses the use of phosphorus, it is included in substantially lower quantities (*i.e.*, 2-8% P₂O₅). Col. 3, lines 7, 54; col. 5, line 42; col. 7, line 48; claims 1-22. Thus, the amount of phosphorus in the glass composition of claim 26 is substantially higher than in the "silica based" glass of Litkowski et al.

The Office Action provisionally rejects claims 1-25 on the grounds of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-33, 35 and 37-52 of copending Application No. 10/069,143. Without acquiescing in this rejection, Applicants are filing a Terminal Disclaimer herewith in order to obviate this rejection and thereby expedite prosecution.

In conclusion, Applicant submits that the Application is currently in allowable form. In the event that the Examiner finds any remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview or which may be overcome by examiner amendment, the Examiner is requested to contact the undersigned attorney.

Dated this 22nd day of July 2006.

Respectfully submitted,



JOHN M. GYNN
Registration No. 36,153

WORKMAN NYDEGGER
Attorneys for Applicant(s)
Customer No. 022913

JMG:sp
AAM0000001570V001